

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, 10, 13-15, 17-19, 22-25, 30-32, and 35-39 are now present in the application.

Claims 5 and 10 are directed to a non-elected invention and are being retained pending a decision on the filing of a divisional application.

Above, applicant has:

- (1) cancelled Claim 12;
- (2) amended Claim 24 to remove an unnecessary limitation from that claim;
- (3) renumbered Claim 39 as Claim 38 because "38" was inadvertently skipped in the Amendment dated 23 June 2003;
- (4) made minor grammatical corrections in claims 36, 37, and 38; and
- (5) added dependent Claim 39.

Claims 1, 2, 3, 6, 13-15, 17-19, 23, 25, 31, 32, and 38 are considered allowable for the reasons discussed in the above-identified amendment.

Currently amended Claim 24 is considered patentable for, *inter alia*, the same reasons as parent Claim 18, which has above been amended in the interest of insuring that Claim 18 clearly distinguishes applicant's invention from anything disclosed in or made obvious by *Johnson*.

Newly presented Claim 39 is similarly considered patentable by virtue of its dependency on Claim 1.

In the above-identified amendment, applicant inadvertently failed to comment on Claims 35-38. That omission is remedied below.

Claim 35 depends from Claim 1 and is therefore, at a minimum, patentable for the same reasons as its parent claim.

Claim 36 is original Claim 11 rewritten in independent form. The original claim was rejected as "anticipated by Johnson (4,922,641)." In discussing original Claim 11 (Section 15, page 5 of the action), the Examiner stated that:

Johnson discloses the claimed invention wherein the pad aperture in which the second element of the modifier is disposed is so sealed that said pad provides a pneumatic cushioning and wherein there is clearance around the periphery of the second modifier [element].

It is respectfully submitted that the foregoing *Johnson*-based rejection is untenable as far as Claim 36 is concerned. First, *Johnson* does not disclose a device having a vibration decay pattern modifier "fabricated from an organic, elastic material" as is required in lines 4 and 5 of Claim 37. Nor does *Johnson* disclose an accessory in which an elastomeric pad aperture housing the vibration decay pattern modifier is: "so sealed that said pad provides pneumatic cushioning when . . . [a] firearm is discharged." Instead, the pad apertures housing the helical springs 54 of *Johnson* are vented to the ambient surroundings by a network of "channels 42 and channels 43" (lines 21-33, column 3). In view of the foregoing, the allowance of Claim 36 is considered clearly in order.

Previously presented Claim 37 is original Claim 16 rewritten in independent form. Like Claim 11, Claim 16 was rejected as anticipated by *Johnson*. And, as is the case with Claim 11, this rejection is considered clearly untenable, with respect to Claim 37. Again, *Johnson* does not disclose a device

with a vibration decay pattern modifier "fabricated from an organic, elastic material" as is required in lines 4 and 5 of Claim 37. Furthermore, Claim 37 requires that the decay pattern modifier be disposed in an aperture in an elastomeric pad and that there be:

at least one additional cavity in the elastomeric pad which reduces the thickness of the pad material and thereby contributes to the compressibility of the pad.

This important feature is not disclosed in *Johnson*. All of the relevant cavities of the *Johnson* device house helical springs.

Claim 38 (previously presented as Claim 39 but renumbered above) is original Claim 29 rewritten in independent form. This claim is limited to a firearm accessory which includes a vibration decay pattern modifying component: "having a head and an integral stem" The claim further requires that the stem be attached to a generally rigid plate component of the accessory and that the head of the component be disposed in a cavity formed in an elastomeric pad component of the accessory. There is simply nothing in *Johnson* in any way relevant to a firearm accessory with a vibration decay pattern modifier of this character. The only components of *Johnson* which could even remotely be considered comparable are his helical springs, and these do not have the claimed head and stem configuration.

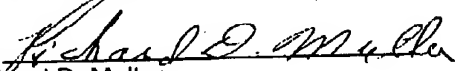
Finally, claims 36, 37, and 38 have above been amended to correct grammatical errors. These are not considered to materially affect the scopes of the claims.

For the reasons discussed above and in the previously filed amendment identified supra, it is believed that the claims now pending in the application are all allowable. It is therefore respectfully requested that the application be passed to issue.

Signed at Shelton, County of Mason, State of Washington, this 15th day of January, 2004.

Respectfully submitted,

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